

NY Judge Rips ‘Terrible’ Conditions At NYC Federal Jails – by Stewart Bishop

Law360, New York (May 5, 2020, 9:12 PM EDT) – A New York Federal judge on Tuesday derided the “**unfortunate, terrible**” conditions at New York City’s two main jails, both before and after the coronavirus pandemic, during a hearing where he sentenced an admitted fraudster [Morgan] who tried to steal \$2.5 million from a law firm to time served.

U.S. District Judge Richard M. Berman criticized the “**deficient system**” at the Metropolitan Detention Center in Brooklyn and said he “**has serious doubts**” about the ability of the Metropolitan Correctional Facility in Manhattan to safely and properly house its detainees.

Judge Berman, who presided over the criminal sex trafficking case against Jeffrey Epstein until his suicide at the MCC in August, said he was very disappointed that to his knowledge, U.S. Attorney General William Barr has not conducted a thorough assessment and investigation of the Bureau of Prisons nationwide, something he said Barr pledged to do around the time of Epstein’s suicide.

In particular, Judge Berman said as far as he knows, there have been no serious reviews forthcoming of the poor living conditions at either the MCC or the MDC – which he said are **dirty and infested with drugs and violence** – conditions that have been many times compounded by the coronavirus outbreak.

“It is an outrage I have to say, and I’m very disappointed the Attorney General has not followed through on making a thorough investigation of conditions that those of us in the business, as it were, are all too familiar with,” Judge Berman said. ***“And more importantly has not implemented appropriate changes.”***

An attorney for Morgan, Sam Schmidt, said he was pleased with Judge Berman’s decision. *“It is gratifying to hear that Judge Berman fully understands what our clients are going through in the Bureau of Prisons at this time, especially in MCC and MDC,”* Schmidt said.

Morgan’s sentence of time served, three months of home confinement and four years of supervised release...and the dangers of the coronavirus to inmates...appeared to be a major factor.

NY Judge Rips ‘Terrible’ Conditions At NYC Federal Jails – by Stewart Bishop

The judge also appeared to give some amount of weight to an April 30 report by Homer Ventners, a physician and epidemiologist, who toured the 1,700-inmate facility recently to observe the jail’s response to COVID-19. ^[1]

In a report, which was filed in a proposed class action brought by medically vulnerable inmates seeking release from the prison because of the coronavirus, **Ventners excoriated the medical care at MDC in his expert report.**

Ventners, who previously served as the chief medical officer for New York City’s jails, cited an array of problems including faulty virus screening, **ignored and discarded sick-call requests**, inept medical care and a “*gross deviation*” from Centers for Disease Control and Prevention and correctional health care standards.

“I have to say it’s a very serious document. It is not surprising to me. I’ve personally become acutely aware of the deficiencies at the...MDC,” Judge Berman said, citing a well-known incident in January 2019 when a fire took out the jail’s power and heat. **Inmates were left in frigid conditions for a week** and denied meetings with their attorneys or any other visits. ^[2]

This incident led to an ongoing lawsuit by the Federal Defenders of New York against the BOP over attorneys’ access to clients in the MDC [and inhumane conditions]. The case is currently in mediation, which includes the MCC as well. ^[3]

Judge Berman said Ventners’ report requires that there be a response from the BOP to the criticisms in the document.

“Such a response is long overdue,” Judge Berman said. ***“It was long overdue when Jeffrey Epstein committed suicide, long before then.”***

¹ **Case 1:20-cv-01590-RPK-RLM -- Document 72-1 -- Filed 4/30/2020.**

² Inmates were locked in their cells 24/7 (during the entirety of the power failure). A limited meal distribution occurred, always cold, and usually delivered hours after it arrived in the units. Tap water remained brown throughout the 8-day power outage. No showers, phone, or emails were permitted.

³ The Warden during the January-February 2019 power outage was transferred from MDC as a result of his “*misleading*” comments to the media about the conditions of the facility and atrocious care of the inmates during the crisis. In addition, his emergency protocols were attacked as severely inept during the execution of the solution.